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10/765,742

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Eric Justin Bear

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EXAMINER

MUHEBBULLAH, SAJEDA

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

12/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/765,742

**Applicant(s)**

BEAR ET AL.

**Examiner**

SAJEDA MUHEBBULLAH

**Art Unit**

2174

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-35, 37-53, 55-58, 60-71 and 73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-35, 37-53, 55-58, 60-71 and 73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/26/08, 11/18/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is responsive to Amendment filed 09/26/2008.
2. Claims 1-17, 19-35, 37-53, 55-58, 60-71 and 73 are pending in this application. Claims 1, 19, 37, 55, and 73 have been amended and claim 59 is cancelled. This action is made Final.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-5, 8, 17, 19-20, 22-23, 26, 35, 37-38, 40-41, 44, 53, 55-56, 58, 62, 71 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. ("Anderson", US 6,744,451) in view of Want et al. ("Want", US 5,825,675).

As per claim 1, Anderson teaches a user interface system, said system comprising a plurality of logical buttons and their physical equivalents,

said physical equivalents being arranged symmetrically in a multi-dimensional manner wherein a first subset of said physical equivalents is mapped to correspond to symmetrical logical buttons for either horizontal movement or vertical movement (Fig.6D, *physical buttons 636, 633*),

wherein a second subset of said physical equivalents is mapped to correspond to asymmetrical logical buttons having functionality unrelated to each other, (Fig.6D, *physical buttons 611, 612, 624, 625 map to buttons that are asymmetrical*).

However, Anderson does not teach wherein upon physical reorientation of the user interface system, each of said physical equivalents is remapped to another of the logical buttons. Want teaches a user interface system having symmetrical buttons wherein reorientation of the interface causes each of the physical equivalents to be remapped to another of the logical buttons. (Want, Fig. 4A-4B, col.7, lines 44-49). It would have been obvious to one of ordinary skill at the time of the invention to include Want's teaching with Anderson's system in order to accommodate the device to right/left-handed users and be able to manipulate the device in multiple ways.

As per claim 2, Anderson teaches the user interface system wherein a subset of the logical buttons and their physical equivalents are arranged on a horizontal axis (horizontally) (Fig.6D, *horizontal buttons 611, 612, 621, 622*) and a subset of the logical buttons and their physical equivalents are arranged on a vertical axis (vertically) (Fig.6D, *vertical buttons 636, 633*).

As per claim 4, Anderson teaches the user interface system wherein:

said physical equivalents arranged vertically correspond to logical buttons for vertical movement (Fig.6D, *636, 633 buttons*); and said physical equivalents arranged horizontally do not correspond to logical buttons for horizontal movement (Fig.6D, *buttons 611, 612, 621, 622 are not for movement*).

As per claim 5, Anderson teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise a four-button diamond arrangement (Fig.6D, *buttons 612, 636, 633, and 621 arranged in a four-button diamond arrangement*).

As per claim 8, Anderson teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise at least two pairs of physical buttons (Fig. 6D, *button pair 612, 624 and button pair 636, 633*).

As per claim 17, Anderson teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise a touchpad (col.6, lines 39-41).

Claims 19, 37, 55, and 73 are similar in scope to claim 1, and are therefore rejected under similar rationale.

Claims 20, 38, and 56 are similar in scope to claim 2, and are therefore rejected under similar rationale.

Claims 22, 40 and 58 are similar in scope to claim 4, and are therefore rejected under similar rationale.

Claims 23 and 41 are similar in scope to claim 5, and are therefore rejected under similar rationale.

Claims 26, 44 and 62 are similar in scope to claim 8, and are therefore rejected under similar rationale.

Claims 35, 53 and 71 are individually similar in scope to claim 17, and are therefore rejected under similar rationale.

5. Claims 3, 7, 21, 25, 39, 43, 57 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (“Anderson”, US 6,744,451) and Want et al. (“Want”, US 5,825,675) in view of Anderson (“E.Anderson”, US 6,122,003).

As per claim 3, the system of Anderson and Want teaches the user interface system wherein said physical equivalents arranged vertically correspond to vertical movement (Anderson, Fig6D, *buttons* 636,633). However, the system of Anderson and Want does not teach physical equivalents arranged horizontally correspond to logical buttons for horizontal movement; and wherein said physical equivalents arranged vertically do not correspond to logical buttons for vertical movement. E.Anderson teaches a system comprising of buttons arranged horizontally that are used for horizontal movement and vertical buttons which are used for changing modes (E.Anderson, col.6, 1-13; col.6, line 63-col.7, line 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to include E.Anderson's teaching with the system of Anderson and Want in order to alter the operation of the buttons depending on the situation in question.

As per claim 7, the system of Anderson and Want teaches the user interface system wherein the physical equivalents comprise of a plurality of buttons (Anderson, Fig.6D). However, the system of Anderson and Want does not teach the physical equivalents comprise a D-Pad. E.Anderson teaches a system comprising of buttons arranged on a D-pad (E.Anderson, Fig.5, D-pad 409). It would have been obvious to one of ordinary skill in the art at the time of the invention to include E.Anderson's teaching with the system of Anderson and Want as an alternative means of manipulating data on a display.

Claims 21, 39 and 57 are individually similar in scope to claim 3, and are therefore rejected under similar rationale.

Claims 25, 43 and 61 are individually similar in scope to claim 7, and are therefore rejected under similar rationale.

6. Claims 6, 24, 42 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. ("Anderson", US 6,744,451) and Want et al. ("Want", US 5,825,675) in view of Ouellet et al. ("Ouellet", US 6,336,052).

As per claim 6, the system of Anderson and Want teaches the user interface system wherein the physical equivalents comprise of a plurality of buttons (Anderson, Fig.6D). However, the system of Anderson and Want does not teach the physical equivalents comprise an eight-button compass arrangement. Ouellet teaches a system comprising of buttons for movement in an eight button compass arrangement (Ouellet Fig.4C). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Ouellet's teaching with the system of Anderson and Want as an alternative means of manipulating data on a display.

Claims 24, 42 and 60 are individually similar in scope to claim 6, and are therefore rejected under similar rationale.

7. Claims 9, 27, 45 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. ("Anderson", US 6,744,451) and Want et al. ("Want", US 5,825,675) in view of Muramatsu (US 6,968,215).

As per claim 9, the system of Anderson and Want teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise of buttons (Anderson, Fig.6D). However, the system of Anderson and Want does not teach the physical equivalents to comprise of a wheel. Muramatsu teaches a

system comprising a plurality of logical buttons and their physical equivalents to comprise of a wheel and two buttons (Muramatsu, Fig.1, *buttons 16 and 17, wheel 5*). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Muramatsu's teaching with the system of Anderson and Want as an alternative means of manipulating data on a display.

Claims 27, 45 and 63 are similar in scope to claim 9, and are therefore rejected under similar rationale.

8. Claims 10-11, 28-29, 46-47 and 64-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. ("Anderson", US 6,744,451) and Want et al. ("Want", US 5,825,675) in view of Anft et al. ("Anft", US 7,146,005).

As per claim 10, the system of Anderson and Want teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise of buttons (Anderson, Fig.6D). However, the system of Anderson and Want does not teach the physical equivalents to comprise of a rocking wheel. Anft teaches a system comprising of a rocking wheel (Anft, Fig.4, col.4, lines 1-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Anft's teaching with the system of Anderson and Want as an alternative means of manipulating data on a display.

As per claim 11, the system of Anderson and Want teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise of buttons (Anderson, Fig.6D). However, the system of Anderson and Want does not teach the physical equivalents to comprise of a super wheel. Anft teaches a



system comprising of a super wheel (Anft, Fig.4, col.4, lines 23-28). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Anft's teaching with the system of Anderson and Want as an alternative means of manipulating data on a display.

Claims 28-29, 46-47 and 64-65 are individually similar in scope to claims 10-11 respectively, and are therefore rejected under similar rationale.

9. Claims 12-15, 30-33, 48-51 and 66-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. ("Anderson", US 6,744,451) and Want et al. ("Want", US 5,825,675) in view of Armstrong (US 6,559,831).

As per claim 12, the system of Anderson and Want teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise of buttons (Anderson, Fig.6D). However, the system of Anderson and Want does not teach the physical equivalents to comprise of a dogbone. Armstrong teaches a system comprising a plurality of logical buttons and their physical equivalents to comprise of two buttons and a dogbone (Armstrong, Fig.6, *buttons 19-20 and dogbone 16*). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Armstrong's teaching with the system of Anderson and Want as an alternative means of manipulating data on a display.

As per claim 13, the system of Anderson and Want teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise of buttons (Anderson, Fig.6D). However, Anderson does not teach the physical equivalents to comprise of a rocking dogbone. Armstrong teaches a system comprising

a plurality of logical buttons and their physical equivalents to comprise of a rocking dogbone (Armstrong, Fig.6, *rocking dogbone 18*). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Armstrong's teaching with the system of Anderson and Want as an alternative means of manipulating data on a display.

As per claim 14, the system of Anderson and Want teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise of buttons (Anderson, Fig.6D). However, the system of Anderson and Want does not teach the physical equivalents to comprise of a super dogbone. Armstrong teaches a system comprising a plurality of logical buttons and their physical equivalents to comprise of a super dogbone (Armstrong, Fig.6, *super dogbone 18*). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Armstrong's teaching with the system of Anderson and Want as an alternative means of manipulating data on a display.

As per claim 15, the system of Anderson and Want teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise of buttons (Anderson, Fig.6D). However, Anderson does not teach the physical equivalents to comprise of a plurality of discrete button pairs. Armstrong teaches a system comprising a plurality of discrete button pairs (Armstrong, Fig.6, *buttons 19-20*). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Armstrong's teaching with the system of Anderson and Want as an alternative means of manipulating data on a display.

Claims 30-33, 48-51 and 66-69 are similar in scope to claim 12-15, and are therefore rejected under similar rationale.

10. Claims 16, 34, 52 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. ("Anderson", US 6,744,451) and Want et al. ("Want", US 5,825,675) in view of Chu (US 6,703,550).

As per claim 16, the system of Anderson and Want teaches the user interface system wherein, in regard to the plurality of logical buttons and their physical equivalents, the physical equivalents comprise of buttons (Anderson, Fig.6D). However, the system of Anderson and Want does not teach the physical equivalents to comprise of a joystick. Chu teaches a system comprising a plurality of logical buttons and their physical equivalents to be a joystick (Chu, Fig.4). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Chu's teaching with the system of Anderson and Want as an alternative means of manipulating data on a display.

Claims 34, 52, and 70 are similar in scope to claim 16, and are therefore rejected under similar rationale.

#### ***Response to Arguments***

11. Applicant's arguments with respect to Amendment filed 09/26/2008 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Communications***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (571) 272-4065. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Sajeda Muhebbullah**

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